



Esther Armchuk-Ball, B.A. (Hons.), LL.B.

Director, Legal Services/Municipal Solicitor

Town of Newmarket

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

earmchuk-ball@newmarket.ca

tel.: 905-953-5300, Ext. 2432

fax: 905-953-5136

April 2, 2012

Dear Resident:

Re: Summerhill Woods Risk Assessment

We are providing you with an update report on the Summerhill Woods Risk Assessment which will be considered by Committee of the Whole on April 10, 2012 at 1:30 pm. We also wish to advise you of a **public meeting on Tuesday, April 10, 2012 at 7:00 pm in the Council Chambers, 395 Mulock Drive Newmarket**, at which time, the Town's environmental consultants will provide an update to residents on the Summerhill Woods Risk Assessment and the posting of a Certificate of Property Use (CPU) on the MOE Environmental Registry. There will also be an opportunity for questions from the public. The MOE invites **comments from the public on the proposed CPU until April 29, 2012**. The CPU contains proposed limitations and restrictions of property use in the areas of the woodlots that are the subject of the Risk Assessment. The link to the Environmental Registry is:

<http://www.ebr.gov.on.ca>

Registry Number 011-5934 (Town of Newmarket)

Registry Number 011-5935 (Criterion Development Corporation)

For more information on the Summerhill Woods Development Area, please go to our website at:

<http://www.newmarket.ca/en/townhall/summerhillwoodsdevelopmentarea.asp>

Yours truly,

Esther L. Armchuk-Ball, B.A. (Hons.), LL.B.

Director, Legal Services/Municipal Solicitor

EAB:jp

Encl.



Esther Armchuk-Ball, B.A. (Hons.), LL.B.
Director, Legal Services/Municipal Solicitor
Town of Newmarket
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7
earmchuk-ball@newmarket.ca
tel.: 905-953-5300, Ext. 2432

March 29, 2012

**CORPORATE SERVICES - LEGAL SERVICES
REPORT 2012-02**

TO: Committee of the Whole
SUBJECT: Summerhill Woods Risk Assessment and Next Steps
ORIGIN: Director, Legal Services/Municipal Solicitor and Director, Legislative Services

RECOMMENDATIONS

THAT Corporate Services - Legal Services Report 2012-02 dated March 29, 2012 regarding an update on the Summerhill Woods Risk Assessment and Next Steps be received for information purposes.

COMMENTS

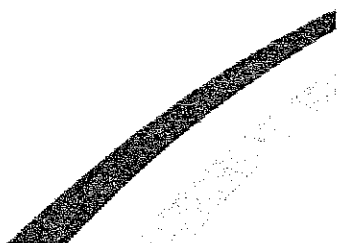
Council will recall through Legal and Development Services (Legal) Report 2009-20 dated November 26, 2009, Legal and Development Services (Legal) Information Report 2010-17 dated November 24, 2010, and Corporate Services (Legal) Information Report 2011-20 that development is near completion in the area of Summerhill Woods, located at the southeast corner of Mulock and Bathurst Streets.

Under the terms of a subdivision agreement dated October 8, 2008, the Town deferred the transfer and conveyance of the woodlot surrounding this development until such time as a Risk Assessment under the *Environmental Protection Act* is complete and recommendations have been made and approved by Council regarding the remediation of certain portions of the woodlot that contain arsenic contamination.

The lands where the residential development is underway were completely cleaned up, stripped and removed of all contaminated soil. However, the lands to be conveyed to the Town were not remediated immediately due to the unique environmental features relating to the Oak Ridges Moraine.

The purpose of the Risk Assessment was to determine options for preserving the forest and woodlot while being protective of human health and the environment. The Risk Assessment established the risks that the identified contaminants may pose to future users and it identified appropriate risk management measures ("RMM") to be implemented to ensure that the property is suitable for the intended use of "Parkland" as defined by Ontario Regulation 153/04 (the Regulation). The Risk Assessment concluded that targeted remediation (soil removal) is required for those areas exceeding the Site Specific Standards for chemicals of concern (primarily arsenic and lead).

On October 13, 2011, the Ministry of the Environment issued a Notice of Decision indicating Final Acceptance of the Risk Assessment. Part of the Risk Assessment process includes the issuance by the MOE of a Certificate of Property Use (CPU). This Certificate incorporates the proposed RMM and additional conditions proposed by the Director of the MOE.



The CPU confirms the RMM requirements to maintain the existing park and woodland configuration; it restricts buildings, and provides for controlled access to the Property through a combination of fencing, slashbacks and vegetation over Parcel 1. There is also a requirement to develop a soils management and a health and safety plan in the event of future work on the lands potentially exposing or in contact with site soils. The CPU will be registered on the Property title.

The proposed CPU has been posted to the MOE Environmental Registry for public consultation. The public has until **April 29, 2011** to comment on the draft CPU. The MOE will then review all comments and if appropriate, will finalize the CPU for the property. The link to the Environmental Registry is:

<http://www.ebr.gov.on.ca/ERS-WEB-External/searchNotice.do>

The CPU Registry Numbers are 011-5934 and 011-5935.

Next Steps and Remediation of Woodlot

On November 7, 2011, Council directed staff to report back on an implementation plan. Since January 2012, Town staff have been meeting with the developer with a view to establishing a joint contract to perform the remediation work required under the Risk Assessment. Staff have received preliminary information that indicates that the total cost for all remediation work on Town-owned lands north of Mulock Drive could be less than \$100,000.00. At this point, Community Services has advised that financing for the remediation has not been included in the 2012 budget. As a result, a further report will be brought to Council once the final cost of remediation is determined, so that Council can approve financing for the project. The work should be completed in 2012.

Public Consultation

In order to keep the public informed, the Town's external consultants will be giving a brief presentation and update regarding the Risk Assessment and the CPU, at the April 10 evening session of Committee of the Whole. Notices regarding the April 10 afternoon and evening meetings will be mailed out to area residents and posted on the Town page in the Era Banner. The same information will also be posted on the Town's website.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report supports the *Well Equipped* and *Well Managed* objectives of the Town's strategic plan in the area of efficient management of development in the Town and careful management and control over lands intended to become public lands.

COMMUNICATION CONSULTATION POLICY

Town Staff and external consultants have been working closely with the developer and the MOE. Written updates will be provided to area residents. The residents will also be invited to attend a brief presentation and update on the evening of April 10.

HUMAN RESOURCE CONSIDERATIONS

Staffing levels are not impacted as a result of the recommendations in this report.

BUDGET IMPACT

Preliminary cost estimates for remediation of the Town-owned lands north of Mulock Drive indicate that the total cost for all remediation of the Town-owned lands north of Mulock Drive could be less than \$100,000. Financing for the remediation has not been included in the 2012 budget. As a result, a further report will be brought to Council once the final cost of remediation is determined, so that Council can approve financing for the project. The work should be completed in 2012.

CONTACT

For more information on this report, please contact: Esther Armchuk-Ball, Director, Legal Services/Municipal Solicitor at Ext. 2432.



Esther Armchuk-Ball, B.A. (Hons.), LL.B.
Director, Legal Services/Municipal Solicitor



for Anita Moore
Commissioner, Corporate Services

Study Areas of Risk Assessment

Summerhill Woods

